



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edward S. Fry, et al.  
Serial No.: 10/715,336  
Filing Date: November 17, 2003  
Confirmation No. 2389  
Group Art Unit: 2877  
Title: *Apparatus and Method for Direct Measurement of Absorption  
and Scattering Coefficients In Situ*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Willie Jiles*  
Willie Jiles

*May 21, 2004*  
Date of Signature

Express Mail No. EV 323467868 US

**INFORMATION DISCLOSURE STATEMENT**

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. Copies of these references are enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. § 1.97(h), no representation is made that these references qualify as prior art or that these references are material to the patentability of the present application.

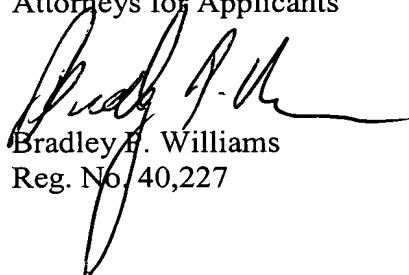
Enclosed is a copy of a PCT International Search Report identifying the references contained in this Information Disclosure Statement. Therefore, I hereby certify that the references contained in this Information Disclosure Statement were cited for the first time in

a communication from a foreign patent office in a related foreign application not more than thirty days prior to the filing of this Information Disclosure Statement. Furthermore, in the event a patent term adjustment is requested, pursuant to the requirements of 37 C.F.R. § 1.704, Applicants submit that the references contained in this Information Disclosure Statement were received from a foreign patent office in a related foreign application not more than thirty (30) days prior to the filing of this Information Disclosure Statement.

German Patent No. DE 19751403A1 is not in the English language but was discovered in a search report from a foreign patent office in a counterpart foreign application. Thus, pursuant to M.P.E.P. § 609(A)(3), an English language version of the search report indicating the degree of relevance for this reference is attached herewith to satisfy the concise explanation of relevance requirement under 37 C.F.R. § 1.98(a)(3).

Pursuant to 37 C.F.R. § 1.97(c), Applicants believe that this Information Disclosure Statement has been filed before the mailing date of the first Office Action. Therefore, Applicants believe that no fee is due. However, if a fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
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5/21/04



PTO-1449 <b>Information Disclosure Citation in an Application</b>	Application No. 10/715,336	Applicant(s) Fry, et al.	
	Docket Number 017575.0887	Group Art Unit 2877	Filing Date November 17, 2003

### U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,712,710	01/27/98	Karakus, et al.	356	436	Oct. 15, 1996
	B						
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	L	DE 197 51 403 A1	May 20, 1999	Germany	G01	N 21/17		x
	M							
	N							
	O							

### NON-PATENT DOCUMENTS

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	P	PCT International Search Report dated 05/13/04 for PCT/US03/36668 dated 11/17/03	11/17/2003
	Q	Friedman, et al., "Absorption Coefficient Instrument for Turbid Natural Waters," <u>Applied Optics</u> , Vol. 19, No. 10, pp. 1688-1693.	05/15/1980
	S	Leathers, et al., "Analysis of a Point-Source Integrating-Cavity Absorption Meter," <u>Applied Optics</u> , Vol. 39, No. 33, pp. 6118-6127.	11/20/2000

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.